

FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

Approved by OMB

3060-0076

Est. time per response:

1 hour

COMMON CARRIER ANNUAL EMPLOYMENT REPORT
[Please read instructions before completing and for Notice regarding public burden.]

SECTION 1 - General Information

1. Name and Mailing Address of Respondent
RCN Telecom Services, Lehigh LLC
PA Market - Lehigh Valley
2124 Ave. C
Bethlehem, PA 18017

☐ Check here if this
is a change of
address.

2. Year Report Filed

2017

3. Reporting Period (Ending Date of Pay
Period Covered by Report)

3/24/17

4. Number of Full-Time Employees during Selected
Reporting Period (check one):

- a. ☐ Fewer than 16 (complete Sections I, IV, and V only)
b. ☒ 16 or more (complete all sections)

SECTION II - Full-Time Employees.

Number of Employees (Report employees in only one category)															
Race/Ethnicity															
Job Categories	Hispanic or Latino		Not-Hispanic or Latino										Total Columns A - N		
			Male					Female							
	Male	Female	White	Black or African American	Native Hawaiian or Other Pacific Islander	Asian	American Indian or Alaska Native	Two or more races	White	Black or African American	Native Hawaiian or Other Pacific Islander	Asian		American Indian or Alaska Native	Two or more races
	A	B	C	D	E	F	G	H	I	J	K	L		M	N
Executive/Senior Level Officials and Managers	1.1			1											1
First/Mid-Level Officials and Managers	1.2	4	21	5		2			13	2				1	48
Professionals	2	1	18	1					3	2					26
Technicians	3	1	30			1			8	1					41
Sales Workers	4	8	20	4					3	3				1	39
Administrative Support Workers	5	9	17	9				2	48	12			1	4	112
Craft Workers	6	5	49	8				1							64
Operatives	7														0
Laborers and Helpers	8														0
Service Workers	9														0
TOTAL	10	28	155	28	0	3	0	3	75	20	0	0	1	6	331
PREVIOUS YEAR TOTAL	11	23	146	19	0	3	0	2	54	9	0	0	1	4	265

SECTION III - Part-Time Employees.

Job Categories															Number of Employees (Report employees in only one category)																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																														
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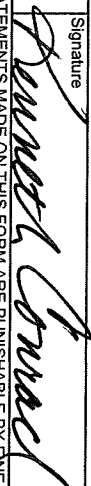
SECTION IV - Report of Discrimination Complaints Pursuant to 47 CFR 22.321, 23.55, 90.168, 101.4, and 101.311.

☐ This is to advise the Commission that no complaints regarding violations of the equal employment provisions of Federal, state, territorial, or local statutes have been filed against this company before any body having competent jurisdiction in such matters during the calendar year covered by this report.

☒ This is to advise the Commission that the following complaints alleging violations of the provisions of any equal employment opportunity statute have been filed against this company.
(Attach a list indicating parties involved, date filed, courts or agencies before which the matter has been heard, file number or other designation, and current status or disposition.)

SECTION V - Certification

I certify that to the best of my knowledge, information, and belief, all statements in this report are true and correct.

Date	05/30/2017	Typed or Printed Name of Person Signing	Kenneth Conrad	Signature		Telephone No.	(609) 681-2189
Title of Person Signing		Vice President, Human Resources		WILLFULLY FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (18 U.S.C. 1001) AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (47 U.S.C. 312 (A)(1) AND/OR FORFEITURE (47 U.S.C. 503).			



RCN Telecom Svc, Lehigh LLC
2124 Ave C.
Bethlehem, PA 18017

RE: FCC Form 395 Section IV
2017 Filing Year

Charge: Civil Action – Superior Court of NJ Mercer Count

Charge / Docket # : MER L-2224-14

Employee: _____

Filing Date: October 3, 2014

Background:

Employee was employed by RCN as a Small Business Sales Rep. Employee had been Hired by RCN on 6/29/1998 and his employment was separated on 11/ 16/2012 due to violation of rules. It was reported by a customer that Mr. _____ when selling them the RCN products as part of the deal also bundled into the sale carpeting which he sold from his own side business. The allegations were investigated and found to be true and as a result Mr. _____ employment was separated due to violation of RCN's policies and practices and misuse of relationship with RCN's customer. Mr. _____ filed a Civil Action against the company in October 2014 after RCN and Mr. Smalls could not reach an agreed upon settlement amount. Mr. _____ is making allegations of hostile work environment and wrongfully discharged from employment with RCN. Mr. _____ in the same civil action is brought action against the RCN customer who had reported his inappropriate behavior.

Status:

RCN and Mr. _____ attorneys have both filed in August of 2015 Objections and Responses of Interrogatories and Request for Production of Documents. Also depositions have also have been conducted of both Mr. _____, members of RCN's management and RCN's customer who had filed the original complaint with RCN regarding his purchase of carpeting / flooring from Mr. _____ RCN / Mr. _____ attorneys are both in discovery which is scheduled to end on June 11, 2016. At this time some supplemental paper discovery remains and it is likely a few more depositions will be scheduled. Mr. _____ attorney has made a demand of 800,000 dollars which RCN is interested in entertaining. Thus the Civil Action process continues. **May 2017 – Depositions have been taken, RCN and ex-employee and attorney's participated in mediation with not result. Continued settlement discussions occurred between all parties counsel as well as 3rd party RCN Customer who ex-employee also involved in legal**

action and settlement was agreed to and paid in March 2017. Settlement agreement signed by all parties and RCN and 3rd party split the settlement amount. At this point legal action now closed.



RCN Telecom Svc, Lehigh LLC
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**RE: FCC Form 395 Section IV
2017 Filing Year**

Charge: EEOC Charge – Title VII of Civil Rights Act - Other

Charge # : 530-2014-01583

Employee: _____

Filing Date: March 28, 2014

Background:

Employee was employed by RCN as a Construction Maintenance Technician. Employee had been By RCN from March 6, 2008 and employment was separated on January 16, 2014 due violation of Harassment Policy. Employee attended both company provided and online training around sexual Harassment. Employee took gay pornographic material and posted in another employees work area. As a result employee was separated.

Status:

Pending with EEOC – Company received initial notification from EEOC on 4/1/2014 and waiting for future communications from the EEOC at this time. Charge is still pending. **May 2017 – Status: Charge is still pending. RCN has never heard back from EEOC or received document request.**



RCN Telecom Svc, Lehigh LLC
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RE: FCC Form 395 Section IV
2017 Filing Year

Charge: EEOC Charge – Title VII of Civil Rights Act - Age

Charge # : 530-2015-00549

Employee: _____

Filing Date: December 3, 2014

Background:

Employee was employed by RCN as a Small Business Account Executive. Employee had been Employed by RCN from 6/24/13 and his employment was separated on 3/10/14 due to performance. Employee had been placed on Warning for not achieving an acceptable sales quota. Employee filed Age claim.

Status:

The EEOC has closed its investigation of the matter. In March of 2016 the EEOC issued Mr. Szerba (and his attorney) a Dismissal and Notice of Rights letter and closed the case. Mr. Szerba had 90 days from the receipt of the Dismissal and Notice of Rights letter to file a lawsuit in Federal court in order to preserve his Federal claims. As of this report no law suit has been filed against RCN. **May 2017 – Status: No additional legal / court action has been taken by ex-employee. At this time RCN considers this case closed.**